

## REMARKS

The Applicant thanks the Examiner for indicating that claims 22 and 24-26 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In view of the above amendments and the following remarks, the Applicant submits that all of the presently pending claims are now believed to be placed in a condition for allowance.

Claims 21, 27, 28 and 30 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Krisher et al. '363. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Krisher et al. '363 describes a voice activated two speed axle. The two speed axle assembly 10, as described in column 1, lines 63-68, has an overdrive mode and a direct drive. The system as described, shifts a transmission from an overdrive mode to a direct drive mode and vice versa through voice signals. This can be done either by a manual switch 26 or via voice commands. Shifting is done by first training the system to recognize a number of different voice commands. Once these voice commands have been programmed into the microcomputer, the operator is able to ask the system to either switch from a direct drive mode to an overdrive mode by saying a certain phrase. The vocal command is converted into a command recognized by the microcomputer. The microcomputer next "checks the present gear status of the axle unit" (see Col 5, ln 65 - col 6, ln 15). Depending on current status of the axle unit the microcomputer will either (a) inform the operator that his requested mode change is invalid because he is already driving in the requested mode, or (b) ask for confirmation of the request mode change. Next, if the requested mode change is invalid, the system returns to an original trained state. If the requested mode change is valid and a confirmation of the mode change is given, the microcomputer sends a signal to change the appropriate mode.

As described Krisher et al. '363, changes between a high speed, overdrive, mode and a low speed, direct drive, mode via voice commands only occur when the microcomputer allows such a change. In other words, the operator has to request a mode change. The

microcomputer then processes the request and, if found to be a suitable request, the microcomputer will prompt the operator for a request confirmation. If the operator still desires a mode change he will further prompt the microcomputer to change modes. Once all this has occurred, the mode will then be changed.

It is important to note that Krisher et al. '363 only discloses switching two driving modes of a vehicle, that is, between overdrive and direct drive modes or direct and under drive modes (see col 1, ln. 62 - col 2, ln 7). There is no mention of changing shifting signals which are typically generated in the shift controller.

The shifting signals of the present application are changed and/or corrected by voice generated signals. Accordingly to the currently claimed invention, the normal shift signals are generated by the controller itself as is usual in the art, the difference comes that when the driver wishes to change or correct these usual signals, he/she uses his/her voice. When the operator does not wish to change and/or correct the shifting signals, the controller generates the shifting signals, as normal.

Further, as stated, Krisher et al. '363 above does not directly change anything. With Krisher et al. '363, in order to change between the direct drive and overdrive modes, via voice signals, multiple steps are required by the operator. On the other hand, as claimed in the presently pending claims, to shift a vehicle transmission, the operator need only speak the command once.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claim 21 of this application now recites the features of "directly overriding a shift signal generated in the transmission control (6) with the electronic command signal generated by the driver's voice command to obtain a new shift signal and executing the transmission shift solely according to the new shift signal which is appropriate for the driving situation". Amended independent claim 30 now recites "before executing a transmission shift, always modifying shifting signals calculated by said transmission control (6) according to the control signals formed from the driver's voice commands to form therefrom a shift command for said variable transmission (2) of the vehicle appropriate to the situation."

New independent claim 31 now recites "[a] method of overriding shifting of a vehicle transmission by a driver's voice, the method comprising the steps of: generating shift signals in a transmission control (6); executing shifting of the transmission according to the shift signal generated in the transmission control (6); when the driver desires to control shifting of the transmission, the driver issuing a voice command (20) to a voice command input device; converting the voice command to an electronic command signal and outputting the electronic command signal to a voice command convertor device (20) having a memory (22); comparing the electronic command signal from the driver with a plurality of reference voice commands electronically stored in the memory (22) to select a desired one of the reference voice commands; forming a transmission control signal based on the selected one of the reference voice commands in the memory (22); calculating a shift signal in the transmission control (6) based upon the selected one of the reference voice commands; always overriding the shift signal generated in the transmission control (6) by the electronic command signal generated by the driver's voice command, regardless shift signal generated in the transmission control (6), to obtain a new shift signal; and shifting the transmission based solely upon the new shift signal generated from the driver's voice command". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Claim 23 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Krisher et al. '383 in view of Graf '420 while claim 29 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Krisher et al. '383 in view of Fujimoto et al. '707. The Applicant acknowledges and respectfully traverses both of the raised obviousness rejections in view of the following remarks.

The Applicant acknowledges that the additional references of Graf '420 and Fujimoto et al. '707 may arguably be related to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Krisher et al. '383 with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of

the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Krisher et al. '363, Graf '420 and/or Fujimoto et al. '707 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. March 24, 2004.

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